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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/817,781	03/26/2001	Paul C. Harris	2065.2001-000	7810
21005 7	590 07/11/2002		M.	
HAMILTON, BROOK, SMITH & REYNOLDS, P.C. 530 VIRGINIA ROAD P.O. BOX 9133			EXAMINER	
			NGUYEN, BAO THUY L	
CONCORD, MA 01742-9133			ART UNIT	PAPER NUMBER
			1641	
			DATE MAILED: 07/11/2002	7

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)				
, , , , , , , , , , , , , , , , , , , ,	09/817,781	HARRIS ET AL.				
Office Action Summary	Examiner	Art Unit				
	Bao-Thuy L. Nguyen	1641				
Th MAILING DATE of this communication app ars on the cover sheet with the correspondence address Period for Reply						
A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). - Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). Status						
1) Responsive to communication(s) filed on 26	<u>March 2001</u> .					
2a) This action is FINAL . 2b) T	his action is non-final.					
3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under <i>Ex parte Quayle</i> , 1935 C.D. 11, 453 O.G. 213.						
Disposition of Claims						
4)⊠ Claim(s) <u>1-32</u> is/are pending in the application.						
4a) Of the above claim(s) is/are withdrawn from consideration.						
<u> </u>	Claim(s) is/are allowed.					
6)☐ Claim(s) is/are rejected.						
<u> </u>	7) Claim(s) is/are objected to.					
8) Claim(s) 1-32 are subject to restriction and/or election requirement.						
Application Papers						
9) The specification is objected to by the Examiner.						
10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.						
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
If approved, corrected drawings are required in reply to this Office action.						
12) The oath or declaration is objected to by the Examiner.						
Priority under 35 U.S.C. §§ 119 and 120						
13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).						
a) ☐ All b) ☐ Some * c) ☐ None of:						
1. Certified copies of the priority documents have been received.						
Certified copies of the priority documents have been received in Application No						
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received.						
14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).						
a) ☐ The translation of the foreign language provisional application has been received. 15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.						
Attachment(s)						
1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4) Interview Summary (PTO-413) Paper No(s) Notice of Informal Patent Application (PTO-152) 6) Other:						

Application/Control Number: 09/817,781

Art Unit: 1641

Election/Restrictions

- **1.** Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-15, drawn to a sandwich method for detecting an analyte, classified in class 435, subclass 7.1, for example.
 - II. Claims 16-18, drawn to a method for detecting an analyte, classified in class 435, subclass 7.94, for example.
 - III. Claims 19-32, drawn to a competitive method for detecting an analyte, classified in class 435, subclass 7.93, for example.
- **2.** The inventions are distinct, each from the other because of the following reasons:

Inventions I, II and III are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are not disclosed as capable of use together and they have different modes of operation. The methods of Groups I, II and III are different because they have different modes of operation due to their different sample application point.

The methods of Groups I and III are different because they involve different method steps and analysis.

3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, and the search required for Group I is not required for Groups II and III, restriction for examination purposes as indicated is proper.

Application/Control Number: 09/817,781

Art Unit: 1641

4. Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

5. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the

currently named inventors is no longer an inventor of at least one claim remaining in the

application. Any amendment of inventorship must be accompanied by a request under 37 CFR

1.48(b) and by the fee required under 37 CFR 1.17(i).

6. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Bao-Thuy L. Nguyen whose telephone number is (703) 308-4243. The

examiner can normally be reached on Monday - Wednesday from 9:00 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Long V. Le can be reached on (703) 305-3399. The fax phone numbers for the

organization where this application or proceeding is assigned are (703) 308-4242 for regular

communications and (703) 308-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding

should be directed to the receptionist whose telephone number is (703) 308-0196.

Page 3

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July 2, 2002